

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

NOT FOR PUBLICATION

08 CR 288 (SJ)

v.

ORDER

THOMAS ARCHER and
RUKHSANA RAFIQUE,

Defendants.

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A P P E A R A N C E S

UNITED STATES ATTORNEY

Benton J. Campbell
271 Cadman Plaza East
Brooklyn, NY 11201

By: Andrew Goldsmith
Soumya Dayananda

ALOMAR & ASSOCIATES, P.C.

60-89 Myrtle Avenue
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By: Karina Alomar
Attorney for Thomas Archer

FEDERAL DEFENDERS OF NEW YORK, INC.

16 Court Street
Brooklyn, NY 11201

By: Mildred Whalen
Attorney for Rukhsana Rafique

JOHNSON, Senior District Judge:

Jury selection and trial are set to begin in the above-referenced action on March 15, 2010. On December 20, 2009, the Court granted the government's motion to admit the videotaped deposition of Rahul Gupte ("Gupte"), and on February 17, 2010, the government submitted a transcript of Gupte's deposition for the Court's ruling on the objections made therein. (Dkt. Nos. 130, 133). In accordance with the government's request, the Court makes the following rulings:

- I. Defense counsel's hearsay objection as to what Gupte was told about defendant Thomas Archer is SUSTAINED. (Tr. at 24.)
- II. The government's objections on the basis of attorney/client privilege are OVERRULED. (Tr. 92, 148.)
- III. The government's objections that counsel's question assumed facts not in evidence are SUSTAINED as to the objections made on pages 144 and 145. (Tr. 144-5.)
- IV. The government's objection to testimony about (1) Gupte's intent to leave the United States and (2) the value of his property located in the United States as irrelevant are OVERRULED. (Tr. 147, 155-157.)
- V. Defense counsel's objection to Gupte's testimony about the subjective intent of attorneys he hired is SUSTAINED. (Tr. 238.)

SO ORDERED.

Dated: March 12, 2010
Brooklyn, NY

_____/s/_____
Sterling Johnson, Jr., U.S.D.J.